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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,450	11/25/2003	John J. Breen	16356.827 (DC-05388)	7118
27683	7590	06/14/2006	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			ONEILL, KARIE AMBER	
			ART UNIT	PAPER NUMBER

1745

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/721,450	<b>Applicant(s)</b> BREEN ET AL.	
	<b>Examiner</b> Karie O'Neill	<b>Art Unit</b> 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11-25-03</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 12 is objected to because of the following informalities: In line 2, when being presented for the first time, IHS should be spelled out before the acronym is used. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11, 15-28, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kouzu et al. (US 6,211,645 B1) in view of Osaka (US 5,628,054).

Kouzu et al. discloses a battery power source device wherein battery modules consisting of a plurality of single cells are connected electrically and mechanically in series and are arranged parallel to each other, bus bars being provided that supply electrical connection between the terminals of the battery modules (column 2 lines 28-36). He also discloses the single cells being nickel-hydrogen secondary cells that are arranged in a holder casing horizontally in matrix fashion on respective vertical and transverse straight lines (column 2 lines 49-55).

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Kouzu et al. does not disclose the method of manufacturing a battery for a battery powered device comprising connecting the battery assembly to the battery powered device, the first cell chemistry being different from the second cell chemistry, the first cell chemistry being a lithium ion chemistry and the second chemistry being a nickel metal hydride chemistry. Kouzu et al. does not disclose that each of the battery subassemblies be shipped separate from one another prior to connecting the first and second subassemblies to form the completed battery and wherein each of the battery subassemblies exhibits an energy capacity less than the threshold for triggering higher shipping costs due to regulations.

Osaka discloses in Figure 1, a portable radio communication device (12) including a battery pack (14) containing two battery subassemblies with different cell chemistry; a nickel metal hydride battery (14a) and a lithium ion battery (14b). He discloses the battery pack being provided with power output terminals of the nickel metal hydride battery and the lithium ion battery connecting to the power input terminal of the main unit (12) to supply power thereto (column 3 lines 24-30).

Kouzu et al. and Osaka are analogous art because they are from the same field of endeavor, batteries. At the time of the invention it would have been obvious to one of ordinary skill in the art to use two different cell chemistries for the battery subassemblies as in the Osaka reference to supply more voltage to the device through the low internal resistance and high output voltage of the nickel metal hydride battery and the low voltage lithium ion battery (Osaka column 3 lines 12-20). It is known to one of ordinary skill in the art that it is common practice to connect battery subassemblies in series to

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increase voltage and to connect the battery subassemblies in series to increase voltage. It would have also been obvious to one of ordinary skill in the art to ship each of the batteries separately so as not to damage the cells in transit and in order to keep the shipping costs down so as to maintain a product that is cost effective and within a price range for the consumer to buy each of the battery subassemblies together for use with one another.

Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kouzu et al. (US 6,211,645 B1) in view of Osaka (US 5,628,054) and in further view of Townslet et al. (US 5,532,524).

Kouzu et al. and Osaka disclose the method of manufacturing a battery for a battery powered device of Claim 1 above, but do not disclose the battery powered device being an information handling system, and the connecting of the battery subassemblies to be performed by an IHS configuration facility or performed by a customer.

Townsley et al. discloses an information handling system as a computer system (20), having a central processing unit, memory, as well as a microcontroller unit to control power allocation through certain power lines throughout the computer system (column 5 lines 36-39) as well as battery packs (27, 28) connected to the computer system through a battery bay (column 5 lines 50-52).

Kouzu et al., Osaka and Townsley et al. are analogous art because they are from the same field of endeavor, batteries. At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the method of manufacturing a

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battery for a battery powered device of Kouzu et al. and Osaka with the information handling system of Townsley et al. for the purpose of supplying power that is critical to the components of the information handling system. It would also be obvious that the battery subassemblies would be connected to the battery device either by the customer upon set-up of the system or by the company that manufactures the battery powered device before purchase.

Claims 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kouzu et al. (US 6,211,645 B1) and in view of Townsley et al. (US 5,532,524) and in further view of Osaka (US 5,628,054).

Kouzu et al. discloses a battery power source device wherein battery modules consisting of a plurality of single cells are connected electrically and mechanically in series, bus bars being provided to provide electrical connection between the terminals of the battery modules (column 2 lines 28-36). He also discloses the single cells being nickel-hydrogen secondary cells that are arranged in a holder casing horizontally in matrix fashion on respective vertical and transverse straight lines (column 2 lines 49-55).

Kouzu et al. does not disclose an information handling system comprising a processor, a memory coupled to the processor and a battery bay for receiving a battery assembly therein, the battery assembly providing power to the processor and memory. He also does not disclose the method of manufacturing a battery for a battery powered device comprising connecting the battery assembly to the battery powered device, the

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first cell chemistry being different from the second cell chemistry, the first cell chemistry being a lithium ion chemistry and the second chemistry being a nickel metal hydride chemistry. He also does not disclose that each of the battery subassemblies be shipped separate from one another prior to connecting the first and second subassemblies to form the completed battery and wherein each of the battery subassemblies exhibits an energy capacity less than the threshold for triggering higher shipping costs due to regulations.

Townsley et al. discloses in Figure 2, an information handling system as a computer system (20), having a central processing unit, memory, as well as a microcontroller unit to control power allocation through certain power lines throughout the computer system (column 5 lines 36-39) as well as battery packs (27, 28) connected to the computer system through a battery bay (column 5 lines 50-52).

Osaka discloses in Figure 1, a portable radio communication device (12) including a battery pack (14) containing two battery subassemblies with different cell chemistry; a nickel metal hydride battery (14a) and a lithium ion battery (14b).

Kouzu et al., Osaka and Townsley et al. are analogous art because they are from the same field of endeavor, batteries. At the time of the invention it would have been obvious to one of ordinary skill in the art to ship each of the batteries separately so as not to damage the cells in transit and in order to keep the shipping costs down so as to maintain a product that is cost effective and within a price range for the consumer to buy each of the battery subassemblies together for use with one another. It would have also been obvious to one of ordinary skill in the art to combine the method of manufacturing

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the battery of Kouzu et al. with the components of the information handling system of the Townsley et al. reference for the purpose of having set controls to control the power supply of the battery to the IHS as well as controlling circuit configurations (Townsley column 5 lines 13-24) and the use of two different cell chemistries for the battery subassemblies as in the Osaka reference to supply more voltage to the device through the low internal resistance and high output voltage of the nickel metal hydride battery and the low voltage lithium ion battery (Osaka column 3 lines 12-20).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karie O'Neill whose telephone number is (571) 272-8614. The examiner can normally be reached on Monday through Friday from 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KAO



**PATRICK JOSEPH RYAN**  
**SUPERVISORY PATENT EXAMINER**